

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of  
  
James S. Hilton  
  
Respondent

Civil Citation No. 53949  
  
20 Sidewell Court

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on April 1, 2009, for a Hearing on a citation for violations under the Baltimore County Building Code (BCBC) § 105.6.2, failure to correct permit to reflect all work being done; Baltimore County Code (BCC) § 35-5-302 (b)(7); International Building Code (IRC) § R 703, failure to use proper covering to exterior of building to protect from deteriorating. All proper wrap and siding never installed on residential property known as 20 Sidewell Court, 21221. Violations under the National Electrical Code (NEC) § 230-26 point of attachment: service cable is not secured, service cable is not 10 feet above grade; § 230-50 protection of service entrance cables; § 230-54 service head, (D) secure service cable; § 590.6, temporary, must have ground fault protection on residential property known as 20 Sidewell Court, 21221.

On March 3, 2009 and March 12, 2009, pursuant to § 3-6-205, Baltimore County Code, Gary Hucik, Building Inspections Inspector and G. Kay Hughes, Electrical Inspections Inspector issued Code Enforcement citations. The citations were sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citations proposed civil penalties of \$4,800.00 (four thousand eight hundred dollars), Building Inspections; and \$22,200.00 (twenty two thousand two hundred dollars), Electrical Inspections; totaling \$27,000.00 (twenty seven thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 2, 2008 for unsafe electrical service. This Citation was issued on March 12, 2009. Photographs in the file show an electricity meter on a temporary wooden frame that is not properly mounted in the ground, leaning steeply to one side. Photographs also show exposed and incorrectly fastened wiring, and a service cable that is not secured and not placed 10 feet above grade. Notes in the file indicate the service lacks required ground fault protection.

B. A Correction Notice was issued on February 10, 2009 revoking the building permit for this property. The Notice states that the issued permit, B703938, provides for a second story addition over an existing first floor, and further states that "building is being totally renovated; permit does not reflect all work being done". The Correction Notice also requests compliance with County law requiring proper wrap and siding for exterior of building. This Citation was issued on March 5, 2009 for failure to obtain valid building permit and failure to use proper covering on building exterior.

C. Photographs in the file show a three or four story building, partly wrapped with Tyvek underlay and part with plywood showing where the Tyvek has torn off. Photograph also shows one side with open ends, partly covered in clear plastic, which is torn and open in some areas. The extent of construction clearly exceeds the scope of the original building permit, which provided only for a second story addition. The structure is not safe or enclosed with one side fully open three or four stories high and reachable by an extension ladder shown on the photograph that would be easily climbed by a child or other trespasser.

D. Respondent has an obligation to follow code requirements during the renovation and construction project, including obtaining valid building, electrical, and plumbing permits and working within the limits of those permits. This property has been the subject of code enforcement proceedings since at least September 2008, when a Correction Notice was issued to Stop Work until a valid building permit was obtained. The County has an obligation to address unsafe and unlawful conditions on this property, and Respondent must take appropriate action or face additional civil penalties and possibly the boarding or razing of the partially built structure at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$11,000.00 (eleven thousand dollars) and placed as a lien upon the property. The civil penalty will be REDUCED to \$4,000.00 (four thousand dollars) if Respondent obtains a valid building permit by May 5, 2009.

IT IS FURTHER ORDERED that the County contact BGE to request cutoff of electrical service to abate the hazardous conditions evident at this property.

IT IS FURTHER ORDERED that The County may enter the property to board or otherwise secure the structure from animal or human encroachment, at Respondent's expense.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17<sup>th</sup> day of April 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer